

07.12.2021
Sl. No.15
akd
[Rejected]

C. R. M. 5391 of 2021 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.08.2021 in connection with NCB Crime No. 06/NCB/Kol/2020 under Sections 8(c)/20(b)(ii)(c)/29/35 of the NDPS Act. (NDPS Case No. T.R. 07 of 2020)

And

In Re: ***Bhim Shankar Dubey***

... .. Petitioner

Mr. Kallol Mondal
Mr. Krishan Ray
Ms. Amrita Chel
Mr. Souvik Das

... .. for the petitioner

Mr. Y. J. Dastoor .. Ld. Addl. Solicitor General
Mr. Phiroze Edulji
Mr. Ravi Ranjan Kumar

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about 671 days. It is further submitted that there is slow progress in the matter and charge has not been framed as yet.

Learned Additional Solicitor General opposes the prayer for bail and submits that the petitioner and co-accused were found in joint possession of narcotic substance above commercial quantity i.e. 39.5 kgs. of *Ganja*.

Statements of witnesses and contemporaneous document, i.e. seizure memo prima facie disclose alleged joint possession of narcotic substance above commercial quantity. In view of the aforesaid fact and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioner.

The application for bail is thus **rejected**.

However, in view of the protracted period of detention suffered by the petitioner, we request the trial court to consider the issue of

framing of charge within two months from the next date fixed for recording evidence.

We note delay in trial is due to abscondence of a co-accused. Under such circumstances, we direct the trial court to expedite all processes to ensure attendance of the co-accused and in the event, his attendance cannot be secured inspite of exhaustion of processes to declare him as proclaimed offender and proceed to the next stage of the case and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)